

# **EXHIBIT 1**

**NOTICE OF PENDENCY OF FEDERAL-LAW FAIR  
LABOR STANDARDS ACT COLLECTIVE ACTION**  
Tremblay v. Chevron Stations, Inc., United States District Court for the  
Northern District of California Case No. CV 07-6009 EDL

**PLEASE READ THIS NOTICE CAREFULLY**

**THIS NOTICE RELATES TO A FEDERAL-LAW FAIR LABOR STANDARDS ACT (“FLSA”) COLLECTIVE ACTION AND CONTAINS IMPORTANT INFORMATION REGARDING YOUR RIGHTS AS A POTENTIAL MEMBER OF THE COLLECTIVE ACTION (IF YOU OPT IN).**

**AS EXPLAINED IN MORE DETAIL BELOW, TO PARTICIPATE IN THE COLLECTIVE ACTION, YOU MUST OPT IN BY [insert date 45 days from mailing].**

**1. INTRODUCTION.**

The Purpose of this Notice is to inform you of the existence of a collective action lawsuit in which you may be “similarly situated” to the named Plaintiff, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this suit should you decide that it is appropriate and should you choose to do so.

This Notice is not intended to be, and should not be construed as, an expression of any opinion by the Court with respect to the truth of the allegations in the lawsuit or the merits of the claims or defenses asserted. This Notice is to advise you of the case and your rights in connection with it.

**2. DESCRIPTION OF THE LAWSUIT.**

Pursuant to an Order of the United States District Court for the Northern District of California (the “Court”), a federal law collective action has been conditionally certified in Tremblay v. Chevron Stations, Inc., United States District Court for the Northern District of California Case No. CV 07-6009 EDL (the “Litigation”). On November 28, 2007, Catherine Tremblay brought this lawsuit against Chevron Stations Inc. on behalf of herself and certain employees who worked in Defendant’s California service stations. Plaintiff claims that Chevron employees in California received improperly low overtime payments due to Chevron’s failure to accurately compute employees’ base wage rates. Plaintiff claims the base rate did not include wages owing for missed meal and rest periods on the graveyard shift and may not have included the appropriate shift differential.

Chevron Stations Inc. believes that it has complied with the FLSA and has paid Plaintiff and all current or former employees all wages owed. Chevron Stations Inc. therefore has denied Plaintiff’s allegations set forth above.

**3. TO PARTICIPATE IN THE COLLECTIVE ACTION**

**This lawsuit is a collective action, not a class action. This Notice instructs you on the procedure for joining the FLSA claims made in the lawsuit if you are not currently a named party. If you are already named as a plaintiff, you do not need to do anything. If you do not want to join in the FLSA claims brought in the lawsuit, you do not need to file anything or take any other action.**

**However, if you do want to participate in the FLSA claims made by the Plaintiff in the lawsuit, you must sign a Consent form, as explained below.**

You are **NOT** required to join this lawsuit by filing your Consent. Nor do you have to take any action unless you want to. You will only be joined as a Plaintiff if you return a Consent form.

If you did not work on one or more graveyard shifts for Chevron Stations Inc. in one of its California service stations, please disregard this Notice. If you were or are employed by Chevron Stations Inc. at a service station in California, you may join this suit (that is, you may "opt-in") by mailing the attached Opt-In Form to the address below. In order to be valid, your request must be postmarked not later than [insert date 45 days from mailing]. You must mail it to:

**Gilardi & Co., LLC  
[insert balance of address and phone contact]**

Gilardi & Co. has been designated by the District Court as a neutral, third-party service responsible both for mailing this notice and receiving responses. **Gilardi & Co. will keep your personal information private.**

Notice is for the purpose of determining the identity of those who wish to be involved in Plaintiff's lawsuit. If you file an Opt-In Form, your continued right to participate in this lawsuit may depend upon a later decision by the District Court that you and the Plaintiff are actually "similarly situated" in accordance with federal law.

You also can choose to join this lawsuit by legal counsel of your own choosing. If you wish to do so, your lawyer must file a consent to join no later than [insert date 45 days from mailing].

**4. EFFECT OF JOINING THIS SUIT.**

If you choose to join in this suit, you will be bound by the judgment or settlement, whether it is favorable or unfavorable. While this suit is pending, you may be required to respond to written questions, sit for depositions, and/or testify in court. You also may be held liable for costs (but not attorneys' fees) associated with this lawsuit. The attorneys for the class plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorneys' fee. If there is a recovery, the attorneys for the class will receive a part of any settlement obtained or money judgment entered in favor of all members of the class.

**5. NO LEGAL EFFECT IN NOT JOINING THIS SUIT.**

If you choose not to join this suit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. If you choose not to join in this lawsuit, you are free to file your own lawsuit.

**6. LEGAL REPRESENTATION.**

Unless you select your own counsel to represent you, the attorneys representing the Collective-Action Class ("Class Counsel") are:

**Alan Harris  
David Zelenski  
Harris & Ruble  
5455 Wilshire Boulevard, Suite 1800  
Los Angeles, California 90036  
Telephone: (323) 931-3777  
Facsimile: (323) 931-3366  
Email: [dzelenski@harrisandruble.com](mailto:dzelenski@harrisandruble.com)**

**David Harris  
901 Irwin Street  
San Rafael, California 94901  
Telephone: (415) 460-5300  
Facsimile: (415) 460-5303  
Email: [dsh@northbaylawgroup.com](mailto:dsh@northbaylawgroup.com)**

If you would like to discuss this matter with a representative of Chevron, call 1800 [insert] or email [insert]

**7. ADDITIONAL INFORMATION**

This Notice only summarizes the litigation and other related matters. For more information, you may review the Court's files at the Office of the Clerk of the Court for the United States District Court, Northern Division of California, 450 Golden Gate Avenue, San Francisco, California 94102 during business hours of each business day. If your address changes or is different from the one on the envelope enclosing this Notice, please promptly notify Gilardi & Co., LLC.

**8. REMINDER AS TO TIME LIMITS**

If you wish to submit an Opt-In Form, you must complete and return the enclosed Form to Gilardi & Co., LLC. Your Form must be postmarked on or before [insert date 45 days from mailing].

**PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE.**

**OPT-IN FORM PURSUANT TO 29 U.S.C. § 216(b), et seq.**

**Tremblay v. Chevron Stations, Inc., Case No. CV 07-6009 EDL**

I was employed by Chevron Stations Inc. as a non-exempt employee at a service station in California and worked on one or more graveyard shifts.

I wish to join the lawsuit as a party plaintiff under the Fair Labor Standards Act.

Please print your full name, present address, telephone number and email (if applicable) and then sign this Form and return it postmarked by [insert date].

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number:

\_\_\_\_\_

Email Address: \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

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